

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 9:24-cr-80062-DMM-1

UNITED STATES OF AMERICA

Plaintiff,

vs.

ANTHONY RAUL DEL VALLE,

Defendant.

_____ /

RENEWED MOTION FOR JUDGMENT OF ACQUITTAL
AND MOTION FOR NEW TRIAL

The Defendant, ANTHONY RAUL DEL VALLE, by and through his undersigned attorney, pursuant to Federal Rule of Criminal Procedure 29 and 33(b)(2), respectfully requests this Honorable Court to grant his Renewed Motion for Judgment of Acquittal and Motion for New Trial and vacate the Judgment in the interest of justice, and as grounds states:

1. That on November 7, 2024, the Jury issued its verdict finding the Defendant guilty of Count's 1 and 2 of the Superseding Indictment. However the Jury found the Defendant not guilty of the enhancement that the controlled substance that the Defendant distributed resulted in the death of Victim's 1 and 2. In addition, the Jury issued its verdict finding the Defendant guilty of Counts 3 and 4 of the Superseding Indictment.

2. The Defendant maintains that he was denied a fair trial, as the Jury failed to make a special finding that the Defendant distributed the controlled substance of either Acetyl Fentanyl or Fentanyl as both charged in the Superseding Indictment and set forth by the Verdict form. Without the specific finding that the Defendant distributed either Acetyl fentanyl or Fentanyl, the Defendant's maintains that he is not guilty of the crime as charged. See attached Verdict.

3. The Defendant further maintains that he was denied a fair trial as the Government failed to produce in discovery the entirety of the neighbor's surveillance footage that was provided to the Lantana Police Department. Keith Barbie testified and the Defense learned for the first time that he had provided 10 days of surveillance videos of the neighbor's house to the Lantana Police Department. However, this was never provided to the Defendant in discovery. Only a small and selected portion was disclosed to the Defense. The Defendant maintains that the failure to produce these 10 days of surveillance video of the alleged victims house could have provided exculpatory evidence that the alleged victims had other sources of supply for their illegal drug purchases.

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WHEREFORE, the Defendant, ANTHONY RAUL DEL VALLE
respectfully requests this Honorable Court to grant a new trial in the above-styled
case.

Respectfully submitted,

GLENN H. MITCHELL, ESQ.
The Barristers Building
1615 Forum Place, Suite 4B
West Palm Beach, FL 33401
ghmitchelllaw@aol.com
Pleadings: ghmitchellfiling@aol.com
(561) 478-7777

/s/ Glenn H. Mitchell

By: _____
GLENN H. MITCHELL, ESQ.
Florida Bar No. 239267

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2024, I electronically filed the
foregoing document with the Clerk of the Court using CM/ECF.

/s/ Glenn H. Mitchell

By: _____
GLENN H. MITCHELL, ESQ.
Florida Bar No. 239267